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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,563	06/02/2006	Michael Gavin Proctor	71,049-012	6206
27305	7590	07/15/2010	EXAMINER	
HOWARD & HOWARD ATTORNEYS PLLC			MOORE, MARGARET G	
450 West Fourth Street			ART UNIT	PAPER NUMBER
Royal Oak, MI 48067			1796	
MAIL DATE	DELIVERY MODE			
07/15/2010	PAPER			

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL GAVIN PROCTOR and ROSEMARY TAYLOR

Appeal 2010-009775
Application 10/581,563
Technology Center 1700

Before STEVEN J. BARTLETT, *Division 2 Support Manager.*

ORDER REMANDING APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on July 12, 2010. A Docketing Notice was mailed on July 15, 2010. Upon review of the application, it has been determined that a remand to the Examiner is necessary to consider the following issues and to take necessary corrective action.

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UNDECIDED PETITION

A Petition for Entry of Requested Evidence After Filing of Appeal Brief was filed on April 26, 2010. However, there is no indication in the record that the Petition was decided.

REPLY BRIEF NOT CONSIDERED

A Reply Brief was filed in this application on April 26, 2010. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR § 41.43(a)(1) and MPEP § 1208, part II.

Accordingly, it is ordered that the application is remanded to the Examiner:

- 1) to have the Petition filed April 26, 2010 decided;
- 2) to consider the Reply Brief filed April 26, 2010 as indicated above;
- 3) for further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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SJB/kme

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